

CITY COUNCIL AGENDA

FEBRUARY 13, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
VACANT

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent - Council Members: None.
Vacant: District 5.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent - Council Members: None.
Vacant: District 5.
- **Invocation (District 2)**
The following students from Valley Christian School, accompanied by Chancellor Claude Fletcher and Superintendent Dr. Clifford Daughtery, delivered the Invocation: Students Katie Andrist (Junior), Robbyn Banks (Senior), Raymond Menchaca (Junior), Courtney Patrick (Junior), Annalise Tablak (Sophomore), and Daniel Winger (Junior).
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Jim Reber, Executive Director, Greater San José Inner Games, for providing exceptional leadership to the program. (Shirakawa, Jr.)
(Deferred from 1/30/01 – Item 1.2)
Mayor Gonzales was joined at the podium by Vice Mayor Shirakawa, Jr., and by Dean Munro, representing the Inner City Board of Directors for presentation of a commendation to Jim Reber, former Executive Director for his exceptional leadership of the Greater San José Inner City Games.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes for:

- (a) Regular Meeting of October 24, 2000
Approved.
- (b) Joint City Council/Redevelopment Agency Meeting of October 24, 2000
Approved.
- (c) Regular Meeting of October 31, 2000
Approved.
- (d) Joint City Council/Redevelopment Agency Meeting of October 31, 2000
Approved.
- (e) Regular Meeting of November 7, 2000
Approved.

2.2 Approval of various actions related to ultra-low flush toilet models for the Water Efficiency Program.

Recommendation: Approval of a first amendment to the agreement with Conservation Retrofitter, Inc., DBA California Water Conservation Company (CWCC), to eliminate the tenant waiver requirement for participating small multi-family dwelling (SmMFD) complexes and reduce the price for ultra-low flush toilet (ULFT) models installed under the SmMFD portion of the agreement, to modify the performance schedule and sub-program goals, and to add the Niagara Sure-Flush model to the list of approved ULFT models for this program. (Environmental Services)

Approved.

2.3 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #28, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2 CONSENT CALENDAR

2.4 Approval to purchase a crew cab & chassis for ground maintenance at the San José International Airport.

Recommendation: Approval of an option to purchase one (1) crew cab & chassis with leaf body from Melrose Ford at the same bid price, at a total cost of \$43,122.01, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.5 Approval to purchase defibrillation equipment and supplies.

Recommendation: Report on bids and award the purchase of defibrillation equipment and supplies to the second lowest bidder, Agilent Technologies Inc., for a total cost of \$89,970.76 including tax, and authorization for the Director of General Services to execute the purchase order for:

- (a) The immediate purchase of twenty-three (23) Heartstream defibrillators and associated supplies for the defibrillator program; and
- (b) Subsequent purchase of defibrillators and supplies at the same bid price for one year, without further Council action other than the appropriation of the necessary funds.

(General Services)

Approved. Staff directed to review the feasibility that defibrillation equipment could be made available at the Arena.

2.6 Approval of an agreement to provide music and movement classes at the City's Community Centers.

Recommendation: Approval of an agreement with Laura Barbee dba Performing Arts to provide music and movement classes for the period January 1, 2001 to December 31, 2001, in an amount not to exceed \$60,000. (Parks, Recreation and Neighborhood Services)

Approved.

2.7 Approval to partially fund an all-weather running track at Overfelt High School.

Recommendation: Approval of an agreement with East Side Union High School District to fund installation of an all-weather running track at Overfelt High School in the amount of \$400,000, in exchange for city access to the improvements. CEQA: Exempt. (Parks, Recreation and Neighborhood Services)

Approved.

2 CONSENT CALENDAR

2.8 Approval of a contract for the Murdock Park Restrooms Project.

Recommendation: Report on bids and award of contract for the Murdock Park Restrooms Project to the low bidder, Restrooms Facilities Corporation, Inc., in the amount of \$129,642, and approval of a contingency in the amount of \$16,000. CEQA: Exempt. (Public Works)

Approved.

2.9 Approval of an agreement related to the City's leasehold interests at 1302 North Fourth Street.

Recommendation: Approval of a Subordination, Attornment and Non-disturbance Agreement with Affinity Bank covering the City's leasehold interests in property located at 1302 North Fourth Street, owned by Smith Family Trust. (Public Works)

Approved.

2.10 Approval to accept a grant for the Mayor's Excellence in Education program.

Recommendation: Adoption of a resolution accepting a grant award from Intel Corporation for the Mayor's Excellence in Education award program in the amount of \$50,000. (City Manager's Office)
(Rules Committee referral 2/7/01)

Deferred to 2/20/01.

2.11 Final adoption of Ordinance 26196.

Recommendation: ORD. NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.

[Deferred from 9/19/00 – Item 6b(4) et al., and 2/6/01 – Item 2.6]

Deferred to 2/27/01 to be heard with Item 10.1(a)

2 CONSENT CALENDAR

2.12 Final adoption of Ordinance 26197.

Recommendation: ORD. NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings.

[Deferred from 9/19/00 – Item 6b(5) et al., and 2/6/01 – Item 2.7]

Deferred to 2/27/01 to be heard with Item 10.1(b)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session, Mayor Gonzales, Chair

No report.

3.2 Report of the Rules Committee – January 31, 2001

Vice Mayor Shirakawa, Jr., Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 13, 2001 Draft Agenda

The Committee approved the February 13, 2001 City Council agenda.

(2) Add New Items to February 6, 2001 Amended Agenda

The Committee recommended two items be added to the February 6, 2001 Amended Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

None presented.

(b) Economic Development and Environment Committee

The Committee added two items to the February 5, 2001

Economic Development and Environment Committee agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 31, 2001 (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (c) City Council Committees (Cont'd.)
 - (1) Amendments to Council Committee Agendas (Cont'd.)
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None presented.
 - (d) Ad Hoc Traffic Calming Advisory Committee
The Committee approved the Draft Agenda for the February 8, 2001 meeting.
- (d) Meeting Schedules
The Committee noted and filed the informational memorandum from Council Member Dando scheduling Finance & Infrastructure Committee meetings for 2:30 P.M. on the 2nd and 4th Wednesdays of each month, or immediately following the Rules Committee meeting.
- (e) The Public Record
The Committee noted and filed the Public Record for the period January 17-23, 2001.
- (f) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
There were none.
- (g) Oral communications
None were presented.
- (h) Adjournment
The meeting was adjourned at 2:20 P.M.

Rules Committee report and actions of January 31, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No report.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of the 2000-2001 Mid-Year Operating and Capital Budgets.

Recommendation:

- (a) Approval of the 2000-2001 Mid-Year Operating and Capital Budget Review.
Approved.
- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2000-2001 Mid-Year Operating and Capital Budget Review.
Ordinance No. 26297 adopted.
Resolution No. 70157 adopted.
- (c) Adoption of related resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements.
(City Manager's Office)
Resolution No. 70158 adopted.

3.5 Approval of the 2002-2006 Five-Year Economic Forecast and Revenue Projections.

Recommendation: Approval of the 2002-2006 Five-Year Economic Forecast and Revenue Projections. (City Manager's Office)
Approved.

Council approved the recommendations in Mayor Gonzales' memorandum dated February 11, 2001, and the Administration was directed to report back to Council on the following issues relative to the 2000-2001 Mid-Year Operating and Capital Budgets and the 2002-2006 Five-Year Economic Forecast and Revenue Projections: (a) A list of projects proposed over the next 18 months for street repair/maintenance work and proposed street lights and traffic lights, identifying State-mandated street maintenance funds, inclusion of median landscaping on Santa Teresa Boulevard; segregating costs anticipated for Measure O and Measure P projects, and providing the priorities and goals mechanism used to quantify improvements in targeted areas; (b) Fire Department Master Plan, with commensurate staffing and longevity enticement recommendations for both fire and police personnel, and recommendations for additional thermal heat sensor units; (c) consideration of scheduling a Study Session on Capital Projects costs and timelines; and (d) report at the March 2, 2001 study session on the "Region's Energy Needs" on the impact of the City's utility tax on ratepayers and on savings generated through the City's energy conservation efforts.

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4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No report.**

- 4.2 Public Hearing on the proposed formation of a Community Facilities District.**

Recommendation:

- (a) PUBLIC HEARING on the proposed formation of Community Facilities District No. 5 (North Coyote Valley).
- (b) Adoption of a resolution of formation for Community Facilities District No. 5 (North Coyote Valley), authorizing the levy of a Special Tax therein, preliminarily establishing an appropriations limit, and submitting the levy of the Special Tax and the appropriations limit to the qualified electors.
- (c) Adoption of a resolution calling a special election of property owners in the proposed CFD No. 5.

CEQA: Resolution No. 69957. (Public Works)

(Continued from 11/7/00 – Item 10a and 1/23/01 – Item 4.4)

Continued to 2/27/01.

- 4.3 Approval of various financial actions related to the Almaden Family Housing Project.**

Recommendation: Approval of the following actions regarding the Almaden Family Housing Project:

- (a) Hold the TEFRA Hearing for the issuance of up to \$47,000,000 in tax-exempt multifamily housing revenue bonds for the Almaden Family Housing Project.
TEFRA Hearing held and there was no testimony from the floor.
- (b) Adoption of a resolution:
 - (1) Expressing its intent to issue up to \$47,000,000 in multifamily tax-exempt revenue bonds to finance the construction of up to a 225-unit family rental housing project located at 1525-1585 Almaden Road (Almaden Family Housing Project).
 - (2) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$47,000,000 in private activity bonds.
 - (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with Simpson Housing Solutions, L.L.C., or an affiliated entity, for the CDLAC Application for the Project.

(Finance/Housing)

Resolution No. 70159 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval to amend the Housing Rehabilitation Program to exempt loans and grants for mobilehome rehabilitation and repainting.

Recommendation: Adoption of a resolution exempting loans and grants for mobilehome rehabilitation and repainting from the adopted Council policy that targets 75% of housing rehabilitation program resources to target neighborhoods. (Housing)

Resolution No. 70160 adopted.

Staff was directed to review appropriate methodology of notifying residents of the program and inform Council of the process selected.

4.5 Approval of business terms for a permanent loan for the Immanuel Housing Project.

Recommendation: Adoption of a resolution:

- (a) Approving business terms for a permanent loan of up to \$3,325,000 to 1710 Moorpark L.P., for the 63-unit Immanuel Housing Project, affordable to very low-income seniors, located between Leigh and Richmond Avenues, south of Moorpark Avenue.
 - (b) Finding that the use of 20% Housing Funds for the permanent financing of this project is a benefit to the City's Redevelopment Project Areas.
- (Housing)

Resolution No. 70161 adopted.

4.6 Public Hearing vacating a portion of Baroni Avenue.

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a portion of Baroni Avenue, between Capitol Expressway and Vista Park Drive, consisting of approximately 84,000 square feet, and reserving a public service easement over the entire area to be vacated. CEQA: Exempt. (Public Works)

Resolution No. 70162 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of an agreement for the South Central Swim Center Project.

Recommendation: Approval of an agreement with MPA Design, Inc. for consultant services for the South Central Swim Center Project, from the date of execution of the agreement to December 31, 2002, in the amount of \$460,000, and additional services in the amount of \$25,000, for a total agreement amount of \$485,000. CEQA: Negative Declaration. (Public Works)

Approved.

6 TRANSPORTATION SERVICES

6.1 Traffic Calming Advisory Committee (Ad Hoc)

Council Member Reed, Chair

No report.

6.2 Acceptance of the 2000 Annual Transportation Report.

Recommendation: Acceptance of the 2000 Annual Transportation Report. (Streets and Traffic/Public Works)

Council accepted the report and directed Staff to: (a) include in future reports comparison of changes from previous years; (b) include statistics on pedestrian and bicycle crashes resulting in injuries or fatalities, identified by age group and schools locations; (c) add street detail to the traffic flow map, and (d) review the potential for the redesign and installation of new technology at crosswalks.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

COUNCIL CONVENED THE REDEVELOPMENT AGENCY BOARD AT 4:39 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION.

10.1 Adoption of the Neighborhood Business Clusters Redevelopment Plan.

Recommendation:

- (a) Adoption by the City Council of a response to written objections from property owners and taxing entities to the adoption of the Neighborhood Business Clusters Redevelopment Plan and the merger of the Neighborhood Business Clusters Redevelopment Plan into the San Jose Merged Area Redevelopment Plan.
- (b) Final adoption of ORDINANCE NO. 26196 – Adopts the Neighborhood Business Clusters Redevelopment Plan and makes certain findings.

TO BE HEARD WITH ITEM 2.11

- (c) Final adoption of ORDINANCE NO. 26197 – Amends the Julian-Stockton Redevelopment Plan, the Olinder Redevelopment Plan, the San Antonio Plaza Redevelopment Plan, the Rincon de Los Esteros Redevelopment Plan, the Pueblo Uno Redevelopment Plan, the Edenvale Redevelopment Plan, the Guadalupe-Auzerais Redevelopment Plan, the Market Gateway Redevelopment Plan, the Century Center Redevelopment Plan, the Alum Rock Avenue Redevelopment Plan, the East Santa Clara Street Redevelopment Plan, the Almaden Gateway Redevelopment Plan, the Story Road Redevelopment Plan, The Alameda Redevelopment Plan, the West San Carlos Street Redevelopment Plan, the Japantown Redevelopment Plan, the Monterey Corridor Redevelopment Plan, the Park Center Redevelopment Plan, the Civic Plaza Redevelopment Plan, and the Neighborhood Business Clusters Redevelopment Plan to effect the merger of said Redevelopment Project Areas and making certain findings

TO BE HEARD WITH ITEM 2.12

(Deferred from 9/19/00 – Item 11a et al., and 2/6/01 – Item 10.2)

Deferred to 2/27/01.

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING
RECESSED AT 4:40 P.M.**

- Closed Session Report
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
 - (1) Joe Pandit spoke about election sign regulations.
 - (2) Richard Calhoun thanked Council Member Dando for her work in District 10.
 - (3) Bill Chew spoke about the needs of a child care center at Luther Burbank School.
- Adjournment

Council adjourned at 4:46 to a joint meeting of the City Council/Redevelopment Agency/San José Financing Authority.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, FEBRUARY 13, 2001

CHAMBERS

1. **Call to Order - 3:47 P.M.**
Absent - Council Members: None.
Vacant: - District 5.
2. **Approval of various financial actions related to the 4th and San Fernando Street Parking Facility.**
 - (a) Conduct a Public Hearing of the City Council with respect to the financing of the 4th & San Fernando Street Parking Facility (the “Garage”) to be issued for the Garage and Other Parking Improvements (collectively, the “Project”).
Public Hearing held and two individuals addressed Council.
 - (b) Adoption of a resolution by the City of San José Financing Authority:
 - (1) Authorizing the issuance of Bonds in the aggregate principal amount of not to exceed \$55 million to be sold at a competitive sale in connection with the Project.
 - (2) Approving the forms and authorizing and directing the execution of the Indenture of Trust, the City Parking Pledge Agreement, the Agency Pledge Agreement and other related documents and directing certain related actions in connection with the financing for the Project.
 - (3) Approving the forms and approving the use of a Notice of Sale and the Official Statement in connection with the competitive sale of the Bonds, and other related actions.**Resolution No. SJFA-49 adopted.**
 - (c) Adoption of a resolution by the City Council approving the forms and authorizing the execution of the City Parking Pledge Agreement; the Reconciliation Agreement between the City and the Redevelopment Agency; the Third Amendment to the First Amended and Restated Reimbursement Agreement between the City and the Redevelopment Agency related to the Authority’s 1993 Series C Convention Center Refunding Project; and other related documents, and directing certain related actions in connection with the financing for the Project.
Resolution No. 70163 adopted.

**JOINT CITY OF SAN JOSÉ
CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY
AGENDA**

1:30 P.M.

TUESDAY, FEBRUARY 13, 2001

CHAMBERS

2. Approval of various financial actions related to the 4th and San Fernando Street Parking Facility (Cont'd.)

- (d) Adoption of a resolution by the Redevelopment Agency approving the forms and authorizing the execution of the Agency Pledge Agreement pursuant to which the Agency agrees to make certain payments to the City of San Jose Financing Authority to pay debt service on the Bonds; the Reconciliation Agreement between the City and the Redevelopment Agency; Third Amendment to First Amended and Restated Reimbursement Agreement between the City and the Agency related to the Authority's 1993 Series C Convention Center Refunding project; and other related documents, and directing certain related actions in connection with the financing for the Project.

(Finance/Redevelopment Agency/Streets and Traffic)

Agency Resolution adopted.

**3. Adjourn the San José Financing Authority
The San José Financing Authority was adjourned at 4:08 P.M.**